

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT D. HORN, et al.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08CV1033 TIA
)	
ST. LOUIS COUNTY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Robert J. Reinhold's Motion to Withdraw. (Docket No. 143). The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On July 15, 2008, Plaintiffs filed a complaint against Defendants St. Louis County and thirteen individual police officers, alleging numerous constitutional and state violations. On November 10, 2008 and July 6, 2009, Plaintiffs filed an Amended Complaints. In response, Defendants filed either a Motion to Strike Amended Complaint or a Motion to Dismiss. On December 3, 2009, the undersigned filed an Amended Case Management Order, and Plaintiffs filed a Third Amended Complaint on December 17, 2009. On January 7, 2010, Defendants filed a Motion to Dismiss for Failure to State a Claim. On March 31, 2010, Defendants filed a Motion in Support of Continuing Stay of Case, and the undersigned granted the motion on April 1, 2010. The parties filed status reports regarding the status of the underlying state criminal case on June 2 and September 16, 2010, January 12, March 15, and May 16, 2011, February 10 and June 15, 2012. After the underlying state criminal case had concluded, the undersigned entered a Second Amended Case Management Order setting the jury trial for April 15, 2013. With Defendants' consent, Plaintiffs filed a Fourth Amended Complaint on November 5, 2012. On December 7, 2012, Defendants filed a Motion to Dismiss for

Failure to State a Claim, and Plaintiffs filed a Motion for Extension of Time to file a responsive pleading thereto.

On December 28, 2012, Plaintiffs' attorney filed a Motion to Withdraw as Attorney citing a "conflict" with one of his clients. In the pleading, counsel fails to indicate whether he communicated with his clients his intent to file the instant motion, and whether his clients object. Generally, this Court will not allow counsel to withdraw from representation unless substitute counsel enters an appearance for the client.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' counsel shall state, in writing, the specific nature of the conflict, along with a showing of good cause for the apparent untimeliness of the motion to withdraw within seven days of this Order. If requested information is privileged, counsel may file the brief under seal.

IT IS FURTHER ORDERED that counsel shall submit an affidavit from Plaintiffs wherein Plaintiffs aver that they consent to counsel's withdrawing his representation and that they are aware of the fast-approaching jury trial date of April 15, 2012 in the case.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of January, 2013.